

REMARKS

I. Claim Status

After entry of the above amendments, claims 25 and 27-34 will be pending.

Claims 1-7, 11-24 and 26 have been canceled.

Claims 27-34 have been added. Support for the new claims can be found throughout the specification and original claims such as, for example, original claims 2-9. No new matter has been added.

II. Election

The Examiner has required restriction to one of the following fourteen Groups:

- I. Claims 1-7 and 26, drawn to compounds and compositions;
- II. Claim 11, drawn to methods of treating or inhibiting prostatitis or intestinal cystitis, etc.;
- III. Claim 12, drawn to methods of treating or inhibiting inflammatory bowel disease, etc.;
- IV. Claim 13, drawn to methods of treating or inhibiting prostatic hypertrophy, etc.;
- V. Claim 14, drawn to methods of lowering cholesterol, triglycerides, etc.;
- VI. Claim 15, drawn to methods of providing cognition enhancement, neuroprotection, etc.;
- VII. Claim 16, drawn to methods of treating or inhibiting free radical induced disease;
- VIII. Claim 17, drawn to methods of treating or inhibiting vaginal or vulvar atrophy, etc.;
- IX. Claim 18, drawn to methods of treating or inhibiting vasomotor symptoms;
- X. Claim 19, drawn to methods of inhibiting conception;
- XI. Claims 20-22, drawn to methods of treating or inhibiting arthritis, joint swelling, joint damage, etc.;
- XII. Claim 23, drawn to methods of treating or inhibiting psoriasis or dermatitis;
- XIII. Claim 24, drawn to methods of treating or inhibiting ischemia, reperfusion injury, etc.; and
- XIV. Claim 25, drawn to methods of treating or inhibiting endometriosis.

Solely to satisfy 37 CFR 1.143, Applicants hereby provisionally elect, with traverse, Group XIV (Claim 25) drawn to methods of treating or inhibiting endometriosis. Claims 1-7, 11-24 and 26 have been canceled merely to exclude non-elected subject matter. Applicants reserve the right to pursue any of the herein canceled subject matter at a later time.

Applicants respectfully traverse the restriction requirement because it is improper. M.P.E.P. 803 provides:

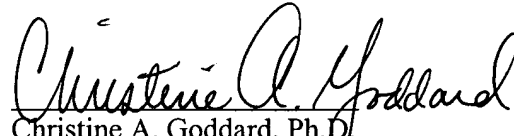
If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The restriction requirement is improper because the Office Action has not shown that examining the claims would constitute a serious burden. The subject matter of each of the fourteen Groups is closely related by chemical structure such that the examination of any individual Group will inevitably overlap the searching of subject matter of the other Groups. For example, a search of the literature in connection with the compounds of the invention will inevitably yield information as to their various uses, including the various methods of treatment and other methods of the invention. Accordingly, there is no serious burden on the Examiner to search the entirety of the claims as originally presented and the restriction requirement is improper. Applicants respectfully request reconsideration of the restriction requirement.

The Office Action further requires a provisional election of species. Applicants hereby provisionally elect the compound 3-(3-fluoro-4-hydroxyphenyl)-7-hydroxy-1-naphthonitrile which is recited in claim 33 and on page 88 of the specification in Example 1av. It is Applicants' understanding that election of species is provisional, and that should the Examiner find no prior art that renders the species anticipated or obvious, the search will be extended to non-elected species to the extent necessary to determine patentability of the entirety of the claim. (See, e.g., M.P.E.P. 803.02).

In view of the foregoing, Applicants submit that the claims as amended are in condition for allowance, and an early Office Action to that effect is earnestly solicited.

Respectfully submitted,


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